

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

SHIRLEY KEENE)
)
v.) NO. 2:05-CV-55
)
BRISTOL REGIONAL MEDICAL)
CENTER)

O R D E R

On January 26, 2005, this complaint was filed against the defendants in the Law Court for Sullivan County, Tennessee. The defendant filed a notice of removal asserting that the plaintiff is a resident of the Commonwealth of Virginia while the defendant is a Tennessee corporation with its principal place of business in Tennessee. Therefore, the defendant's removal of the instant case from state to federal court was improper because resident defendants cannot remove. Title 28 U.S.C. § 1441(b) provides:

Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be

removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

See also *Thompson v. Karr*, 182 F.3d 918, 1999 WL 519297, *3 (6th Cir.(Ohio)).

Accordingly, it is hereby **ORDERED** that this complaint is

REMANDED to the Law Court for Sullivan County, Tennessee.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE